

APPEAL NO. 031744  
FILED AUGUST 15, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 27, 2003. The hearing officer determined that appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that claimant did not have disability; that claimant did not timely report his claimed injury; and that respondent (carrier) is limited to the defense regarding 30-day reporting that was listed on its first Payment of Compensation or Notice of Refused/Dispute Claim (TWCC-21) filed on August 13, 2002. Claimant appealed the determinations regarding injury, disability, and timely notice on sufficiency grounds. Claimant also contends carrier waived the right to contest the compensability of the claim and complains that the interpreter was not sworn. Carrier responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

Pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 102.5(d) (Rule 102.5(d)), the hearing officer's decision is deemed to have been received by claimant 5 days after the date the decision was mailed by the Texas Workers' Compensation Commission (Commission). A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code. Section 410.202(a) and (d). Commission records indicate that the hearing officer's decision was mailed to claimant on June 2, 2003. Claimant was deemed to have received the decision on June 7, 2003. The due date for the appeal was June 30, 2003. There was evidence that claimant mailed an appeal on June 27, 2003, but it was returned to claimant due to insufficient postage. The appeal was then sent to the Commission by facsimile transmission, but was not received until July 3, 2003. The appeal is untimely.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final under Section 410.169.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Robert W. Potts  
Appeals Judge

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Edward Vilano  
Appeals Judge